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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/063,410	04/21/2002	Sharon Flank	08228/1203278-US1	9900
39179	7590	01/11/2006	EXAMINER	
DARBY & DARBY, P.C. P.O. BOX 5257 NEW YORK, NY 10150-5257			NGUYEN, CINDY	
			ART UNIT	PAPER NUMBER
			2161	
DATE MAILED: 01/11/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/063,410

Applicant(s)

FLANK ET AL.

Examiner

Cindy Nguyen

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/10/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is in response to amendment filed 11/10/05.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-7 and 9 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1 and 4 contain "generating-myrriad", "a subset of the thumbnail images" and "configuration command" were not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 9 contains "scene detection " was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Watanabe et al. (US 6578072) (Watanabe).

Regarding claims 1 and 4, Watanabe discloses: A method for use with a system storing myriad digital media files (16, fig. 2, Watanabe), the method comprising the steps of: generating myriad first thumbnail images, each first thumbnail image corresponding to one of the digital media files, each first thumbnail image having lower resolution and smaller dimensions (low resolution image which smaller sizes, example 368x256) then the

corresponding digital media file (original image), each first thumbnail image having first dimensions (col. 6, lines 4 to 22, Watanabe);

displaying a subset of the first thumbnail images (display the thumbnail images having the image Ids), the subset comprising more than one and less than all of the myriad first thumbnail images, the subset created as a result of input from a first user (col. 7, lines 60 to col. 8, lines 19, Watanabe);

However, Lawton didn't disclose: receiving a configuration command for a second user and generating second thumbnail images and display the results as claimed. On the other hand, Scott discloses: receiving a configuration command from a second user, the configuration command indicative of second dimensions differing from the first dimensions (col. 5, lines 66 to col. 6, lines 22, Watanabe);

generating myriad second thumbnail images, each second thumbnail image corresponding to one of the digital media files, each second thumbnail image having lower resolution and smaller dimensions than the corresponding digital media file, each second thumbnail image having second dimensions (col. 6, lines 4 to 22, Watanabe);

displaying a subset of the second thumbnail images, the subset comprising more than one and less than all of the myriad second thumbnail images, the subset created as a result of input from a third user (col. 7, lines 60 to col. 8, lines 19, Watanabe).

Regarding claims 2 and 5, all the limitations of these claims have been noted in the rejection of claims 1 and 4 above. In addition Watanabe discloses: wherein the first and third users are the same user (col. 7, lines 60 to col. 8, lines 19, Watanabe).

Regarding claims 3 and 6, all the limitations of these claims have been noted in the rejection of claims 1 and 4 above. In addition Watanabe discloses: wherein the first and third users are different users (col. 7, lines 60 to col. 8, lines 19, Watanabe).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (US 6038333) in view of Beikirch et al. (US 5532839) (Beikirch).

Regarding claims 7, 8 and 9, Wang discloses: A method for use with a system for managing digital media files, the method comprising the steps of: using face recognition to recognize faces portrayed in the digital media files, yielding metadata with respect to the digital media files indicative of the recognized faces (col. 3, lines 20-67, Wang); analyzing the metadata indicative of the recognized faces among the digital media files (col. 3, lines 55-67, col. 6, lines 15-42, Wang);
displaying the duplicate files for a user (col. 6, lines 15-42, Wang).

However, Wang didn't disclose: detect duplicate files among the digital media files and enabling at least one of the displayed duplicate files in the digital media files to be purged. On the other hand, Beikirch disclose: detect duplicate files among the digital media files and enabling at least one of the displayed duplicate files in the digital media files to be purged (col. 4, lines 55 to col.. 5, lines 15, Beikirch). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include detect duplicate files among the digital media files and enabling at least one of the displayed duplicate files in the digital media files to be purged in the system of Wang as taught by Beikirch. The motivation being to enable to system to detect the duplicate electronic document image by remove duplicate digital electronic images and provide duplicate electronic images signal for automatic detection of duplication electronic document page images (col. 4, lines 55 to col.. 5, lines 15, Beikirch).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 571-272-4025. The examiner can normally be reached on M-F: 8:00-5:00.

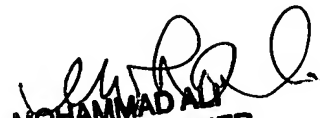
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

Art Unit: 2161

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Cindy Nguyen
January 6, 2006



MOHAMMAD ALI
PRIMARY EXAMINER